

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION

Mr. RYAN C. CHRISTIAN,  
(Plaintiff)

SCANNED at JCCC and E-mailed  
1/13/19 by EK, 19 pages  
date initials No.

v.

CASE NO. 2:19-CV-04144-NKL

ANNE L. PRECYTHE, ETAL;  
(DEFENDANTS)

PLAINTIFF MOTION IN SUGGESTION AND OPPOSITION  
TO MDOC DEFENDANTS PRECYTHE, RAMEY, KEELY,  
LEONARD, KRANTZ, EPPS AND LOPEZ MEMORANDUM  
IN SUPPORT OF THEIR MOTION TO DISMISS PLAINTIFF  
COMPLAINT, OR IN THE ALTERNATIVE, MOTION FOR MORE  
DEFINITE STATEMENT

COMES NOW, plaintiff Mr. RYAN CHRISTIAN, AN PRO'SE LITIGANT bringing  
his "MOTION OF SUGGESTIONS AND OPPOSITIONS TO MDOC DEFENDANTS PRECYTHE,  
RAMEY, KEELY, LEONARD, KRANTZ, EPPS AND LOPEZ MEMORANDUM IN  
SUPPORT OF THEIR MOTION TO DISMISS PLAINTIFF'S COMPLAINT, OR IN THE  
ALTERNATIVE, MOTION FOR MORE DEFINITE STATEMENT, STATES AS FOLLOWS;

THE "MDOC" DEFENDANTS MOST RECENTLY FILED MOTION TO DISMISS "IS  
PREMISED ON A FLAWED READING OF PLAINTIFF MR. CHRISTIAN'S AMENDED  
COMPLAINT. FIRST, "MDOC" DEFENDANTS ARGUE THAT, BY AMENDING A  
COMPLAINT PLAINTIFF HAS CHOSEN TO EXHAUST ADMINISTRATIVE REMEDIES,

but the Court's will find out MDOC defendant's tactic is based solely on a fabrication to have the Court's side-tracked from the facts of defendant's violating plaintiff First, Eighth and Fourteenth Amendment rights. Because plaintiff has exhausted his administrative remedies through the 'PLRA' Prison Litigation Reform Act process of filing his grievance appeal, grievance and informal resolution request. SEE ATTACHED exhibits.

NEXT, the MDOC Defendants urge the Courts that plaintiff's suing defendants in the Official, individual and injunctive relief capacity is beyond the scope of their jurisdiction, and defendants urge the Court the Plaintiff's Fourteenth and Eighth Amendment claims should be dismissed. While the facts prove MDOC defendants' arguments are conclusory on these points, Plaintiff's allegations are not.

Plaintiff's Amended Complaint alleges, with factual detail, how plaintiff was subjected to a pattern cruel unusual punishment of being denied and deprived medical treatment for his serious bedsores, denial of paralogic equipment and facilities in the suicide cells without soap and cleaning hygienics nor paralogic equipment to use the restroom, but defendant's force plaintiff to crawl over his cell and strip cell to use the restroom over a 'chinese' toilet hole in the ground, including the denial of equipment for his paralogic condition while in AdSeg administrative segregation going to outside recreation. In which, plaintiff put higher ranking defendants on NOTICE through letters, face to face communication and repeated filings of IRRs, grievances and

GRIEVANCE APPEAL PROCESSES.

The Eighth Circuit has previously held that conduct of this magnitude violates the Eighth and Fourteenth Amendments and Plaintiff's claim falls squarely within that precedent. For the reasons described above and below, each of the objections raised by the MDOC defendants to Plaintiff's most recent complaint are premised on an impermissibly narrow reading of Plaintiff's allegations. As such, MDOC defendants' instant motion should be denied.

#### A. FACTUAL BACKGROUND

Plaintiff Mr. Ryan C. Christian is a paraplegic inmate alleged in the complaint housed at Jefferson City Correctional Center inside (Ad Seg) administrative segregation. Plaintiff has repeatedly been denied his medication and medical treatment for his serious physical injuries of huge sores, bruises and repeated pain of spasms inside his one leg.

From January 2018 until present date of November 2019, Plaintiff repeatedly wrote Director defendant Anne Precythe, Elaine Ramsy, Stan Keely and Justin Krantz letters putting them on notice he was being forced to go outside to recreation without his wheel-chair, and force to crawl around on the ground because defendant's failed to have paraplegic equipment in the recreation cages for him and other paraplegic inmates. Especially, since he has only "ONE LEG". The MDOC defendants Precythe, Ramsy,

KEELY AND KRANTZ FAILED TO REMEDY FACTS OF PLAINTIFF BEING FORCED TO RECREATION WITHOUT HIS WHEELCHAIR IN THE RECREATION CAGES AND FAILED TO PLACE PARALYTIC EQUIPMENT IN THE RECREATION CAGES TO PREVENT PLAINTIFF FROM BEING FORCED TO CRAWL AROUND, ESPECIALLY WHEN IT WOULD RAIN OUTSIDE ON OUTSIDE RECREATION.

PLAINTIFF WOULD RECEIVE HUGE SORES, BRUISES AND PAIN THAT PREVENTED HIM FROM SLEEPING OR PARTICIPATING IN DAILY ACTIVITIES, THAT MADE PLAINTIFF LEG BLEED SEVERELY AND DAILY WITH SORES ON HIS PARALYTIC LEG - TO THE POINT HE WOULD CRY FROM THE PAIN.

IN MARCH 2019, PLAINTIFF REPEATEDLY COMPLAINED TO DEFENDANTS KRANTZ AND LEONARD OF BEING WITHOUT HIS WHEELCHAIR INSIDE HIS CELL, AND BEING FORCED TO CRAWL AROUND ON THE FLOOR INSIDE HIS CELL. DEFENDANTS KRANTZ AND LEONARD APPROACHED PLAINTIFF CELL THREATENING PLAINTIFF TO STOP FILING LETTERS TO HIGHER RANKING OFFICIAL DEFENDANTS PRECYPHIS, RAMEY AND KEELY BECAUSE PLAINTIFF WOULD NEVER GET HIS WHEELCHAIR IF HE CONTINUED TO WRITE HIGHER RANKING OFFICIALS. IN WHICH, DEFENDANT KRANTZ STATED; MR. CHRISTIAN, I'VE ALREADY CONTACTED MEDICAL TO STOP YOU FROM GETTING THAT WHEELCHAIR IN THAT CELL, SO IF YOU WANT TO KEEP ON PRESSING THIS ISSUE - THEN I HAVE THE POWER AS THE "FUM-FUNCTIONAL UNIT MANAGER" TO STOP YOU FROM RECEIVING MEDICAL TREATMENT.

PLAINTIFF WAS PREVENTED HIS WHEELCHAIR COMPLETELY BY DEFENDANT "LEONARD AND KRANTZ", AND DELIBERATELY INDIFFERENTLY PREVENT HIM FROM RECEIVING MEDICAL TREATMENT EACH TIME PLAINTIFF DECLARED MEDICAL EMERGENCY OR BLEEDING FROM HIS SORES ON HIS LEG.

Both defendants KRANTZ and LEONARD observed the bleeding huge sores on plaintiff paralytic leg, but totally refuse to allow plaintiff get medical attention—unless plaintiff agreed to stop filing letters. Plaintiff was denied the right to have his wheelchair inside his cell, and denied the right to claim medical emergency for his serious physical injuries by the directive of defendants KRANTZ and LEONARD.

Plaintiff was repeatedly denied his wheelchair, and forced to crawl around on the ~~cell~~ floor inside his cell in substantial harm.

On April 9, 2019, plaintiff was placed inside the suicide cell of 8-HOUSE AD-SEG being denied his wheelchair, and forced to crawl around on the floor to defecate in a Chinese toilet hole in the ground. Plaintiff had to place his buttock over the hole to defecate in a prostrate position, in which MDOC's policy prevents inmates from being allowed toilet paper, soap and cleaning materials for his face and hands. Plaintiff had to eat his food in the Strip Cell without soap after defecating.

April 10, 2019, defendants STAN KSELEY and ELAINE RAMOY came to the Strip-Cell looking into the suicide-cell—where plaintiff was placed behind a steel door slat to see inside the cell. Defendants Ramoy and Kseley looked at plaintiff promise plaintiff by stating; You (Mr Christian) will not get NO wheelchair inside this suicide-cell in 8-HOUSE, because these cells are not made for paralytic people like you. So Mr Christian this is the only treatment you will get is crawling around

in this cell, because (we) defendants Ramsey and Keely are the only people see you. So have a nice day until you stop filing complaints you'll get help. Plaintiff was forced to crawl around inside the suicide-cell in serious pain because his amputated paraplegic would fold under him and plaintiff had severe sores or bleeding bruise over his leg. Defendants Ramsey and Keely left plaintiff in a substantial risk of serious harm or being without an wheelchair inside the suicide cell, and forced to crawl around being paraplegic inmate defecating in a toilet.

Plaintiff Christian, was finally released from the suicide cell and placed into "Z-House" administrative segregation.

In the month of May 2019, "COL Epps and COL Lopez" approached plaintiff cell threatening him to stop filing grievances, letters and telling staff defendants KRANTZ and LEONARD in his complaints. Defendants "MR Epps" told plaintiff, "if you file another piece of paper back in that office - I'm going to break your other leg off. Defendant Lopez stated, "We not playing with you MR Christian, so TEST US."

Plaintiff wrote defendant Ramsey "ABOUT" Jefferson City CORR CENTER NOT HAVING A policy FOR PARAPLEGIC EQUIPMENT in the suicide cell - NOR HAVING A wheelchair in the suicide cells of 8-HOUSE. Defendant Ramsey & Precythe, Keely, MR. KRANTZ failed to remedy a known risk of substantial risk of harm for plaintiff a paraplegic inmate.



Plaintiff sues MDOC defendants in both their individual and official capacities. Plaintiff seeks monetary damages in the amount of \$1,000,000 dollars compensatory damages and \$1,000,000 dollars in punitive damages and injunctive relief.

## B. Legal Standard

A claim is plausible when the factual content asserted by plaintiff allows the Court to draw the reasonable inference that the defendant is liable for the misconduct alleged. *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009); *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 556 (2007). And of course, when reviewing the complaint, the Court should accept the allegations as true and construe them in the light most favorable to the plaintiff Mr. Christian... See *Mo-Kan Iron Workers Pension Fund v. Alms Erectors*, 2016 U.S. Dist. Lexis 160660, 2 (W.D. MO Nov 1, 2016), citing *Schaaf v. Residential Funding Corp.*, 517 F.3d 544, 549 (8th Cir. 2009). A complaint containing only labels and conclusions or a formulaic recitation of the elements of a cause of action is insufficient; a complaint must contain factual content allowing the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. *Twombly*, 550 U.S. 544, 570 (2007).

## C. Arguments

Plaintiff complains that each MDOC

Defendant whom was placed on Fair Warning in his 42 USC § 1983 complaint. Government officials who perform discretionary functions generally are entitled to qualified immunity from liability for civil damages "insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." *Harlow v. Fitzgerald*, 457 US 800, 818, 73 LEd2d 396, 102 Sct 2727 (1982) (citations omitted)

"MDOC" defendants clearly violated sufficiently clear rights of plaintiff Mr. Ryan C. Christian, and was placed on Fair Warning. Fair Warning was and continues to be the element in this case.

D. MDOC Defendant should not be allowed  
Qualified Immunity in this case against  
Plaintiff

The qualified immunity inquiry is whether the alleged facts that the defendants violated plaintiff Mr. Christian constitutional rights. *Saucier v. Katz*, 533 US 194, 201-202, 150 LEd2d 272, 121 Sct 2151 (2001). The allegations in plaintiff complaints show that each individual MDOC defendant indeed violated the plaintiffs' constitutional rights, the second inquiry is whether the law at the time of the alleged constitutional violation was clearly established. *Id.* at 201-202.

That is to say, the right the official is alleged to have violated must have been "clearly established" in a more particularized, and hence more relevant sense. The contours of the right



MUST BE SUFFICIENTLY CLEAR THAT A REASONABLE OFFICIAL WOULD UNDERSTAND THAT WHAT HE IS DOING VIOLATES THAT RIGHT. 'Anderson v. Creighton, 483 US 635, 640, 97 L.Ed. 523, 107 S.Ct 3034 (1987)

To determine that the law was clearly established, the Court, need not look to a case with identical-or-even materially similar facts. Hope v. Pelzer, 536 US 730, 739-741, 153 L.Ed.2d 666, 122 S.Ct 2508 (2002). Rather, the standard is one of Fair Warning where the contours of the right have been defined with sufficient specificity that a 'State' official had 'Fair Warning' that (his) conduct deprived a victim-or-in this case of plaintiff rights, then 'MDOC' defendant is not entitled to qualified immunity. Haugen v. Brosseau, 339 F.3d 857, 2003 U.S. App. Lexis 15517 at 42 (9th Cir 2003) (citation omitted); see also Pelzer 536 US at 740 n.10 (The object of the clearly established immunity standard is not ~~different~~ different from that of fair warning...) (citation and alteration)

Plaintiff complaint alleged specific facts, that demonstrate 'MDOC' defendant deliberate indifference towards his serious physical injuries being housed under substantial risk of harm inside his conditions of confinement-had a protected right to be given medical treatment, to have a wheel-chair inside the suicide cell-or-paralegic equipment to prevent him crawling around on a floor injuring his paralegic leg and-devised cleaning toilet paper, soap-and-mainly being forced to go to recreation crawling around by the 'MDOC' denial to have paralegic equipment-or-be given his wheel chair in the recreation

"MDC" defendants should not be granted a Motion to Dismiss, because defendants had Fair Warning through plaintiff's letters, grievances filed against them - and verbal face-to-face communication putting on Notice of his serious physical injuries of sores, bruises and constant bleeding being forced to crawl around on the floor for months without his wheelchair. Defendants knew the law was clearly established in the Eighth Circuit and Sister Courts of forcing plaintiff to defecate in a hole in the ground, especially being a paraplegic with "ONE LEG" without handicap toilet facilities. *Mitchell v Newryder*, 245 F.Supp.2d 200, 204 (D ME 2003) (holding prisoner denied access to toilet stated a valid claim that he was purposely subjected to dehumanizing prison conditions regardless of any risk of harm); see, *Lafaut v Smith* 834 F.2d 389, 392-94 (4th Cir 1987) (failure to provide adequate toilet facilities and necessary physical therapy for months - warden was the responsible official in charge and fully advised) see also *Mc Cray v. Burrell*, 516 F.2d 357, 365-69 (4th Cir 1975) (en banc) (two day confinement in strip-cell conditions with holes in the floor rather than a toilet violated the Eighth Amendment); see finally; *Johnson v. Williams*, 788 F.2d 1319, 1323 (8th Cir 1986) 788 F.2d 1319, 1323 (8th Cir 1986) (18-hour strip cell confinement could violate the Eighth Amendment depending on the conditions).

For the above listed reasons, the Courts will acknowledge "MDC" defendants should not be allowed Qualified Immunity, nor granted their Motion to Dismiss because each defendant had

E. THE LAW WAS CLEARLY ESTABLISHED  
AGAINST MDOC DEFENDANTS HIGHER RANKING  
OFFICIALS

First, the claims plaintiff has raised in his allegations prove each MDOC defendant ~~Brewster~~, Ramsey, Keely, Leonard, Krantz, Epps and Leonard knew about the plaintiff serious physical injuries needed medical attention either through letters, face to face communication or grievances being filed directly putting them on "Notices" proving each defendant acted with deliberate indifference; and secondly, the law was clearly established in the Eighth Circuit and other sister courts that MDOC defendants have a obligation and responsibility to give plaintiff medical treatment.

Prison officials such as MDOC defendants cannot be held liable under § 1983 on a theory of respondeat superior. See, e.g. *Choate v. Lockhart*, 7 F3d 1370, 1376 (8th Cir 1993)

However, "Supervisors" such as MDOC defendants, can incur liability for their personal involvement in a constitutional violation or when their corrective inaction amounts to deliberate indifference to or tacit authorization of the violative practices. *Id.* (internal quotation marks and citation omitted) (quoting *Fruit v. Norris*, 905 F2d 1147, 1151 (8th Cir 1990), and *Howard v. Adkison*, 887 F2d 134, 137 (8th Cir 1989)

Especially, where a prisoner - such as plaintiff Mr. Ryan Christian needs medical treatment prison officials are under a constitutional duty to see that it is furnished. *Crooks v. Nix*, 872 F2d 800, 804 (8th Cir 1989) (citing *Estelle v. Gamble*, 429 U.S. 97, 103). To follow where the duty

TO FURNISH TREATMENT IS UNFILLED, THE MERE CONTRACTING OF SERVICES WITH AN INDEPENDENT DOES NOT IMMUNIZE THE STATE FROM LIABILITY FOR DAMAGES IN FAILING TO PROVIDE A PRISONER WITH THE OPPORTUNITY FOR SUCH TREATMENT. Id. (citing West v. Atkins, 487 U.S. 42, 55, 108 S.Ct. 2250, 101 L.Ed.2d 40 (1998)); see also Boyd v. Knowl, 47 F.3d 966, 969 (8th Cir. 1995).

All of the MDOC defendants violated clearly established law, in which this part of the inquiry demands that reviewing Courts do more than determine that the law was clearly established in the abstract.

Reece v. Grosse, 60 F.3d 487, 491 (8th Cir. 1995); see also Kahle v. Leonard, 477 F.3d 544, 553 (8th Cir. 2007) (At a high enough level of abstraction every constitutional right is clearly established).

In this case of plaintiff, it is plain MDOC defendants Prelyth, Ramey, Keely, Krantz, Leonard, Epps and Lopez knew all the relevant facts about plaintiff Mr. Christian's medical need, the unlawfulness of failing to ensure plaintiff receives adequate treatment would have been apparent. And the only relevant fact the Court can identify is plaintiff sent letters, grievances and each defendant seen face to face through relevant acknowledge plaintiff was bleeding, left without his wheelchair for months crawling around in his cell to use the toilet, crawling in the suicide cell to use a Chinese toilet, and mainly crawling around in the recreation cages in cold weather or rain and snow with a bleeding limb leg. While MDOC defendants own answer to their Motion to Dismiss file before the Courts - openly admits defendants refuse to give him his wheelchair (Add. Sec.)

ADMINISTRATIVE SEGREGATION CELL, SUICIDE CELLS-AND-ON RECREATION OUTSIDE.

Also, the "MDOC" defendants defense fails because defendants knew plaintiff completed the "GRIEVANCE" procedure, but secretly tried to bamboozle the Courts with false evidence because they have in their position the completion of plaintiff Mr. Christian's grievance appeal process. SEE INT'L UNION, UAW v. NLRB, 459 F.2d 1329, 1336, 148 US App. DC. 305 (DC Cir 1972) (Simply stated, the ADVERSE INFERENCE RULE provides that when a party has relevant evidence within his control which he fails to produce, that failure gives rise to an inference that the evidence is UNFAVORABLE to him). DEFENDANT REQUEST FOR EXHAUST should be denied.

"MDOC" defendants knew the law was clearly established for ANY individual defendant to deny medical treatment, especially in plaintiff situation to be force to live by the hands of CRUEL UNUSUAL PUNISHMENT TO BE DENIED A WHEELCHAIR IN HIS CELL IN AD. SEG. CONFINEMENT, STRIP CELL-AND-MAINLY OUTSIDE RECREATION when he only has ONE LEG being force to live by CRAWLING AROUND. SEE, FROST v. AGNOS, 152 F.3d 1124, 1129-1130 (9th Cir 1998) (REVERSING SUMMARY JUDGMENT where PRISON OFFICIALS WERE AWARE THAT A DISABLE PRETRIAL DETAINEE who used CRUTCHES had FALLEN AND INJURED himself ON A SLIPPERY SHOWER FLOOR, but where the OFFICIALS declined to TAKE REASONABLE MEASURES to help him SAFELY); ACCORD LA FAUT v. SMITH, 834 F.2d 389, 392-394 (4th Cir 1987) (FINDING THAT THE FAILURE OF PRISON OFFICIALS TO ENSURE THAT MOBILITY-IMPAIRED INMATES had ACCESS to wheelchairs resulted in the infliction of A PRISONER



CONSTITUTIONAL RIGHTS). THUS, MDOC DEFENDANTS' MOTION TO DISMISS IS FRIVOLOUS BECAUSE THE LAW WAS CLEARLY ESTABLISHED JOHNSON V. WILLIAMS 788 F2d 1319, 1328 (8TH CIR 1986).

### F. PLAINTIFF HAS EXHAUSTED ALL HIS ADMINISTRATIVE REMEDIES

DEFENDANTS HAVE FILED A FRIVOLOUS MOTION TO DISMISS AND RAISED THE FACT THAT PLAINTIFF MR. CHRISTIAN HAS NOT EXHAUSTED HIS ADMINISTRATIVE REMEDIES IN EVERY SINGLE GROUND CLAIM IN THEIR MOTION TO DISMISS FILED RECENTLY. BUT PLAINTIFF HAS ATTACHED EACH STEP OF THE GRIEVANCE TO THIS SUGGESTIONS AND OPPOSITION TO THE MDOC DEFENDANTS MOTION TO DISMISS.

(SEE ATTACHED GRIEVANCE PROCEEDING FILED BY PLAINTIFF)

FOR THESE REASON, PLAINTIFF REQUEST THIS COURT TO DENY MDOC DEFENDANTS MOTION TO DISMISS AND GRANT PLAINTIFF MOTION.

### G. PLAINTIFF HAS STATED A CLAIM AGAINST MDOC DEFENDANTS

THE MDOC DEFENDANTS HAVE NOT IDENTIFIED ANY GROUNDS VALIDLY FOR CARVING OUT AN EXCEPTION ~~FOR~~ GRANT THEIR MOTION TO DISMISS, BECAUSE EACH OF THEIR GROUNDS IS BASED ON LACK OF EVIDENCE, FALSE ACCUSATIONS - AND - VERY TACTICAL PERSUASION TO BLATANTLY DENY FACTS. PLAINTIFF PHYSICAL INJURIES WAS OBVIOUS, AND DEFENDANTS KNEW HE FACED A SUBSTANTIAL RISK OF HARM AND DISREGARDED THAT RISK, BY FAILING TO ABATE THE RISK. HUNT V UPHOFF, 199 F3d 1220, 1224 (10TH CIR 1999) (QUOTING FARMER V BRENNAN 511 US AT 847)



SINCE MOOC DEFENDANTS HAVE OPENLY ADMITTED IN THEIR MOTION TO DISMISS — DEFENDANT'S REFUSE TO ALLOW A ONE LEG PARALEGIC INMATE (PLAINTIFF) TO HAVE A WHEELCHAIR IN HIS CELL, THE STRIP-CELL SUICIDE WATCH AND MAINLY OUTSIDE RECREATION DURING THE COLD MONTHS OF JANUARY 2019 TO THE PRESENT DATE OF THIS FILING OF SUGGESTIONS AND OPPOSITIONS. THE FACTS PROVE A EXTREMELY TORTUROUS BARBARIC NARRATIVE THAT MOOC DEFENDANTS TRY DESPERATELY TO OVER-SHADOW THROUGH A SMOKE SCREEN OF FILING THE MOOC DEFENDANTS MOTION TO DISMISS.

FOR THE FOREGOING REASONS, PRAYER FOR RELIEF THROUGH PLAINTIFF 42 USC § 1983 COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF SHOULD BE GRANTED. IN WHICH, THE DENIAL OF MOOC DEFENDANT'S MOTION TO DISMISS SHOULD BE TOTALLY DENIED.

#### H. Individual Capacity Stands Against MOOC DEFENDANTS

PLAINTIFF MAY ONLY SEEK MONETARY DAMAGES AGAINST MOOC DEFENDANTS IN THEIR INDIVIDUAL CAPACITIES. *HAFFER v. Mello*, 502 U.S. 21, 31 (1991) (HOLDING STATE ACTORS, SUED IN THEIR INDIVIDUAL CAPACITIES, ARE PERSONS WITHIN THE MEANING OF § 1983. THE ELEVENTH AMENDMENT DOES NOT BAR SUCH SUITS).

FOR THESE REASONS, PLAINTIFF REQUEST MOOC DEFENDANT MOTION TO DISMISS AND ALTERNATIVES TO BE DISMISS — AND GRANT PLAINTIFF SUGGESTIONS AND OPPOSITIONS.

PURSUANT TO 28 USC 1746,

I declare under the penalty of perjury

that the foregoing is true and correct.

MR. RYAN C. CHRISTIAN  
JCC - 7-C-101

8000 NO MORE VICTIMS Rd

Jessie, MO 65101



STATE OF MISSOURI  
DEPARTMENT OF CORRECTIONS  
**OFFENDER GRIEVANCE APPEAL**

GRIEVANCE NUMBER

JCCC19-657

DATE FILED

DOC NUMBER

1016091

INSTITUTION

JCCC

OFFENDER NAME (LAST NAME, FIRST)

Christian, Ryan

**REASON FOR APPEAL**

I SUED AND UNUSUAL PUNISHMENT FORCE OUT OF MY WHEELCHAIR BECAUSE I WERE ON SUICIDE WATCH AND I'M A PARALYTIC WITH ONE LEG THAT IS STUCK AND CONFINED TO A WHEELCHAIR LIKE A PARALYZED PERSON AND I HAD TO CRAWL TO THE DOOR TO GET MY SUICIDE SACK LUNCH ON APRIL 9<sup>TH</sup> AND 10<sup>TH</sup> 2019 AND THAT IS CRUEL AND UNUSUAL PUNISHMENT TO A HANDICAP PERSON WITH A HIP AMPUTATION WITH ONE LEG PARALYTIC THAT IS CONFINED TO A WHEELCHAIR SO NOW WAS I SUPPOSE TO GET OFF AND CRAWL TO THE DOOR WITHOUT MY WHEELCHAIR BY CRAWLING THAT'S A (A.D.A.) VIOLATION AND CRUEL AND UNUSUAL PUNISHMENT. DEFENDANTS PRELYTIC, RANNEY, KEELEY, KRANTZ, LEONARD, EPPS AND LOPEZ. KORIZON OFFICIALS KORIZON, MORGAN DUNKLE AND JENNIFER LONG COMMITTED CRUEL UNUSUAL PUNISHMENT FROM JANUARY 2019 UNTIL MAY 2019, DENY ME MEDICAL ATTENTION AND LEFT ME IN SERIOUS PAIN.

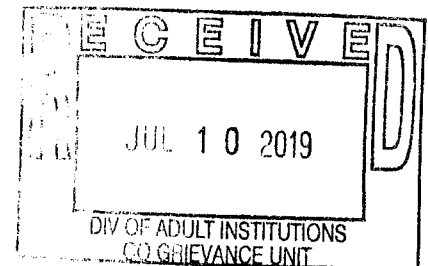
OFFENDER SIGNATURE

*Ryan Christian*

DATE

7-1-19

**RESPONSE**



SIGNATURE

DATE

Finalization of this appeal represents exhaustion of this grievance pursuant to federal law, 28 CFRs 40

OFFENDER SIGNATURE

DATE

**Michael L. Parson**  
Governor



2729 Plaza Drive  
P. O. Box 236  
Jefferson City, MO 65102  
Telephone: 573-751-2389  
Fax: 573-526-0880

**Anne L. Precythe**  
Director

**State of Missouri**  
**DEPARTMENT OF CORRECTIONS**  
*"Improving Lives for Safer Communities"*

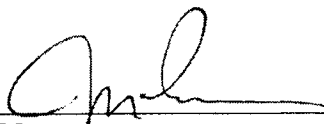
**GRIEVANCE APPEAL RESPONSE**

July 31, 2019

Ryan Christian  
Register #1016091  
Jefferson City Correctional Center

RE: JCCC-19-657  
Other  
Received on July 10, 2019  
Reviewed on July 31, 2019

Your appeal dated July 1, 2019, has been reviewed. The grievance response adequately addressed your complaint. You were placed on suicide watch in accordance with Missouri Department of Corrections procedure IS/SOP12-4.1-Suicide Intervention Procedures. You have not provided any additional evidence to support your claim of cruel and unusual punishment. Your appeal is denied.

  
\_\_\_\_\_  
Jeff Norman  
Deputy Division Director  
Division of Adult Institutions

JN/jl



STATE OF MISSOURI  
DEPARTMENT OF CORRECTIONS  
OFFENDER GRIEVANCE

Other  
Conditions

GRIEVANCE NUMBER

JCCC 19-657

IRR NUMBER

JCCC 19-657

DATE FILED

JUL

INSTITUTION USE ONLY

OFFENDER LAST NAME

Christian

FIRST

Ryan

DOC NUMBER

1016091

HOUSING UNIT

7C-102

UNIT

7

INSTITUTION

JCCC

OFFENDER GRIEVANCE/REQUEST

Cruel And unusual Punishment force out of my wheelchair because I with on suicide watch And I'm a paralytic with one leg that is stuck And confine to a wheelchair like a paralyze person And I had to crawl to the door to get my suicide sack lunch on April 9-10 2019 And this is cruel And unusual Punishment to a handicapped person with a hip Amputation with one leg paralytic that is confine to a wheelchair so how was I suppose to get back And forth to get to the door by crawling that's cruel And unusual Punishment

OFFENDER SIGNATURE

*Ryan Christian*

DATE

6-2-17

SUPERINTENDENT RESPONSE

SUPERINTENDENT/SECTION HEAD

*Stanley Kelly*

DATE

12/26/19

You have the right to appeal this decision to a division director. You must file an appeal form with the grievance officer within seven (7) days from the day you receive this decision. Failure to submit an appeal within this time frame constitutes abandonment of the grievance.

☐ I ACCEPT THIS DECISION

☐ I APPEAL THIS DECISION

OFFENDER SIGNATURE

DATE



# Missouri Department of Corrections

## Jefferson City Correctional Center

### WARDEN'S RESPONSE

**TO:** Offender Ryan Christian #1016091  
**CATEGORY:** Other – Conditions of Confinement  
**LOG#:** JCCC 19-657  
**DATE:** June 24, 2019

I have reviewed your grievance and pertinent information concerning your complaint of suicide watch protocol. You contend you were placed in a suicide cell without your wheelchair. You also contend this action was inhumane, cruel, and unusual punishment. You request to be able to have your wheelchair in the suicide cell with you.

Be advised, I have conducted an administrative review of your claims. According to policy SOP12-4.1 Suicide Intervention Procedures, "Any cells designated specifically for offenders on suicide watch will be situated in such a way to allow unobstructed visual observation...i.e. minimum of fixtures and minimum equipment." A wheelchair in a suicide cell which contains metal parts would pose a safety and security risk to yourself and others. JCCC staff have followed policy within the guidelines set forth. Therefore, I do not find in your favor. Your grievance has been denied.

If you disagree with this response you have (7) days from the day you sign the grievance in which to file a grievance appeal.

Warden: *Stanley Kelly* Date: 6/26/19



STATE OF MISSOURI  
DEPARTMENT OF CORRECTIONS  
INFORMAL RESOLUTION REQUEST

INSTITUTION USE ONLY ☐ EMERGENCY COMPLAINT

OFFENDER NAME <u>Reagan Christian</u>		DOC NUMBER <u>1016091</u>	
DATE STAFF MEMBER RECEIVED IRR <u>5-20-19</u>	COMPLAINT NUMBER <u>5000 19-657</u>	CATEGORY <u>Other</u>	HOUSING UNIT <u>7-C-102</u>

STATE YOUR COMPLAINT/PROBLEM BRIEFLY- ONE ISSUE - BE SPECIFIC

forced and unusual punishment force out of wheelchair on suicide watch and was stuck sitting in the cell and had to crawl to the door to get my suicide snack lunch on April 9-10 2019 And I'm a hip amputee with one leg that is confine to a wheelchair

ACTION REQUESTED: STATE REMEDIES YOU ARE SEEKING

Anyone in a handicap situation should not be force out of their wheelchair

OFFENDER SIGNATURE <u>Reagan Christian</u>	DATE <u>5-20-19</u>
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STAFF USE ONLY

DISCUSSION OF COMPLAINT (SUMMARIZE RESULTS OF MEETING)

Spoke with offender regarding IRR. Offender wishes to continue.

☐ IRR RESOLVED BY DISCUSSION/WITHDRAWN

☒ IRR NOT RESOLVED BY DISCUSSION

OFFENDER SIGNATURE <u>Reagan Christian</u>	DATE <u>5-21-19</u>	STAFF SIGNATURE <u>Justin Keat</u>	DATE <u>5-21-19</u>
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STAFF FINDINGS/RESPONSE

INVESTIGATING STAFF SIGNATURE <u>Justin Keat</u>	DATE <u>5-21-19</u>	RESPONDENT SIGNATURE <u>Justin Keat</u> 134311	DATE <u>05/21/19</u>
REVIEWER SIGNATURE <u>Christina Carter</u>	DATE <u>5/24/19</u>	RESULTS <input type="checkbox"/> SATISFACTORY <input type="checkbox"/> UNSATISFACTORY	

YOU HAVE THE RIGHT TO FILE A FORMAL GRIEVANCE. YOU MUST FILE A GRIEVANCE FORM WITH THE DESIGNATED STAFF WITHIN SEVEN (7) DAYS FROM THE DATE YOU RECEIVE THIS RESPONSE. FAILURE TO SUBMIT A GRIEVANCE WITHIN THIS TIME FRAME CONSTITUTES ABANDONMENT.

OFFENDER SIGNATURE	DATE
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